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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT PAPER NUMBER

2831

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/715,942

Applicant(s)

CASTELLANI ET AL.

Examiner

DHIRU R. PATEL

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. After further consideration, the finality of the final rejection mailed on 7/27/05 is hereby vacated. This office action replaces previously office sent on 7/27/05 with a new statutory period. Any inconvenience to the Applicant is regretted.

### **Drawings**

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, each simplex power receptacle having a respective housing recited in claims. 1, 6, 11, 14, 16, 21 and 26-27 must be shown or the feature(s) canceled from the claim(s). The examiner suggests showing a reference number for a respective housing in figure 9 (at least). A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

3. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

4. Corrected drawing sheets in compliance with 37 CFR 1.121 (d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended.

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The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84 (c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Specification**

5. The specification is objected to for the following informality.

At page 13 line 15, the same reference numeral added to fig. 9 should be inserted after the word "housing".

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103 (c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-28 as best understood, are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Whitehead (6,417,446) in view of Dola et al (4,952,163).

Considering the drawings objection and the specification objection,

Whitehead discloses:

Regarding claim 1, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising: an insert sized 20 (body, see figs 1-2, entire column 2 and column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2 and entire abstract as well as entire column 2); and four power receptacles 98,99 with two housings (see figs 5-7, column 6 lines 48-55) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), but fails to disclose each of said power receptacles being simplex power receptacle and having a separate housing.

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Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35, column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

Regarding claim 2, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including the simplex receptacles are configured to snap fit into a portion of the insert (see fig 1, and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 4, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including power receptacles are wired in separate electrical circuits (see figs 5-7 and column 1 lines 54-57 and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

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Regarding claim 5, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a cover assembly 136 overlying the insert .(see fig 3A , column 7 lines 25-30 of Whitehead), the cover assembly including access covers 150 for selectively covering and exposing the simplex power receptacles ( see fig 3A and entire column 7 of Whitehead ).

Whitehead discloses:

Regarding claim 6, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising: an insert sized 20 (body, see figs 1-2, entire column 2 and column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2 and entire abstract as well as entire column 2); and four power receptacles 98,99 with two housings and supported by the insert (see figs 5-7, column 6 lines 48-50) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), and four communication/data jacks 126, 127, 162 supported within the insert ( please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10), but fails to disclose each of said power receptacles being simplex power receptacle and having a separate housing. Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35, column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can

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be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

Regarding claim 7, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including the simplex receptacles are configured to snap fit into a portion of the insert (see fig 1, and entire column 6 of Whitehead).

It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 9, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including at least two of the power receptacles are wired in separate electrical circuits (see figs 5-7 and column 1 lines 54-57 and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 10, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a cover assembly 136 overlying the insert (see fig 3A, column 7 lines 25-30 of Whitehead), the cover assembly including access



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covers 150 (see fig 3A and entire column 7 of Whitehead) for selectively covering and exposing the simplex power receptacles ( see fig 3A and entire column 7 of Whitehead).

Whitehead discloses:

Regarding claim 11, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising: an insert sized 20 (body, see figs 1-2, entire column 2 and column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2 and entire abstract as well as entire column 2); the insert having an upper end adjacent to the floor -and having a chamber defined therein which extends downwardly from the upper end (see figs 2 and 7, and entire column 7), a cover 136 overlying the insert (see fig 3A), the cover having an upper surface, four communication/data jacks 126, 127, 162 mounted within the fitting such that the communication/data jacks do not extend upwardly beyond the upper surface of the cover ( please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10) and four power receptacles 98,99 with two housings (see figs 5-7) are mounted within the fitting such that the power receptacles do not extend upwardly beyond the upper surface of the cover (see fig 7, column 6 lines 48-50) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), but fails to disclose each of said power receptacles is simplex power receptacle and having a separate housing.

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Dola et al teach the use of a simpler, receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35, column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43).

It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

Regarding claim 13, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including at least two of the simplex power receptacles are wired in separate electrical circuits (see figs 5-7 and column 1 lines 54-57 and the entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations,

Whitehead discloses:

Regarding claim 14, a flush poke-through wiring fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a floor opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the poke-through fitting comprising: an insert sized 20 (body, see figs 1-2, entire column 2

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and column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2 and entire abstract); a cover 136 overlying the insert (see fig 3A), the cover having an upper surface; and four power receptacles 98,99 with two housings (see figs 5-7) are mounted within the fitting in a protected fashion such that the power receptacles do not extend upwardly beyond the upper surface of the cover (see fig 2, column 6 lines 48-50) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), but fails to disclose each of said power receptacles is simplex power receptacle and having a separate housing. Dola et al teach the use of a simplex receptacle 16; having a separate housing 22 (see fig 3, column 2 lines 25 35, column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

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It is noted that the modified assembly of Whitehead meet the. structural limitations.

Whitehead discloses:

Regarding claim 16, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising: four communication/data jacks 126, 127, 162 mounted within the fitting ( please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10), the communication/data jacks being arranged in a longitudinal row (see fig 6); first and second electrical receptacles 88, 89 with a housing as well as two additional electrical receptacles 88, 89 with a housing (see figs 5-7) and said first and second electrical receptacles disposed on a first lateral side of the communication/data jack (see fig 6) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2); but fails to disclose the first and second receptacles are simplex receptacles and each of said receptacle having a separate housing. Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35, column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate

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housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

It is noted that the modified assembly of Whitehead meet the. structural limitations.

Regarding claim 17, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including the first pair of the power receptacles are wired in separate electrical circuits from the second pair of simplex receptacles (see figs 5-7 and column 1 lines 54-57 and the entire column 6 of whitehead). It is noted that the modified assembly of Whitehead meet the structural liimitations.

Assembly of the device of Whitehead comprises method step of:

Regarding claim 18, a method of delivering flush poke-through wiring fitting 10 (see fig 1, column 4 lines 35-40) that is adapted to be supported in a floor opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising:

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providing a cover 146 that overlies the fitting and has an upper surface (see fig 2); mounting four communication/data jacks 126, 127, 162 within the fitting such that the communication/data jacks do not extend upwardly beyond the upper surface of the cover ( please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10 ); mounting two power receptacles 98, 99 within the fitting such that the receptacles do not extend upwardly beyond the upper surface of the cover (see fig 3B) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), but fails to disclose each of said power receptacles is simplex receptacles. Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35, column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

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Regarding claim 20, further comprising wiring at least two power receptacles in separate electrical circuits (see column 2 lines 1-7 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Assembly of the device of Whitehead comprises method step of:

Regarding claim 21, a method for providing a poke-through fitting 10 (see fig1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising: providing an insert sized 20 (see figs 1 and 6, entire column 2, column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2, entire abstract as well as entire column 2); and mounting four power receptacles 98,99 with two housings within said insert (see figs 1 and 6) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2 and it is inherent feature that a single receptacle with a housing), but fails to disclose each of said power receptacles is simplex power receptacle and having a separate housing. Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column lines 25-35, column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an, opening 46 can be sized to correspond to the configuration of

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the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

Regarding claim 22, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including wherein the receptacles are configured to snap fit into a portion of the insert (see fig 6 of Whitehead).

Regarding claim 24, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including wiring at least two of the receptacles in separate electrical circuits (see fig 7 and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 25, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a cover assembly 136 including access covers 150 (see fig 3A and entire column 7 of Whitehead) for selectively covering and exposing the simplex power receptacles ( see fig 3A and entire column 7 of Whitehead).It is noted that the modified assembly of Whitehead meet the structural limitations.



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Assembly of the device of Whitehead comprises method step of:

Regarding claim 26, a method for providing a poke-through fitting 10 (see fig 1, column 4 lines 35-40 ) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising: providing an insert sized 20 (body, see figs 1 and 6, entire column 2, column 5 lines 4-65) for insertion into the circular floor opening (see fig 2); mounting four power receptacles 98,99 with two housings within the insert (see figs 1 and 6) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), and mounting four communication/data jacks 126,127, 162 within the insert (please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10 ), but fails to disclose each of said power receptacles is simplex power receptacle and having a separate housing. Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35, column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the

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assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

It is noted that the modified assembly of Whitehead meet the structural limitations.

Assembly of the device of Whitehead comprises method step of:

Regarding claim 27, a method for providing a poke-through wiring fitting 10 (see fig 1, column 4.lines 35-40) of the type that is adapted to be supported in a circular floor opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising: mounting four communication/data jacks 126, 127, 162 (please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10 ), the communication/data jacks being arranged in a longitudinal row (see fig 7); mounting first and second power receptacles 98 , 99 with a housing on a first lateral side of the communication/data jack as well as two recdeptacles 98.99 with a housing (see figs 5-7) and also, disclosed that device 10' may be modified to provide only a single receptacle

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(see column 8 lines 1-2); but fails to disclose said receptacles having a separate housing as well as said receptacles being simplex power receptacle . Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35, column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 1 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

It is noted that the modified assembly of Whitehead meet the structural limitations.

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Regarding claim 28, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including wiring the first pair of simplex power receptacles are in a separate electrical circuit from the second pair of-simplex receptacles (see fig 7 and entire column 6 of Whitehead).

Regarding claims 3,8,12,15, '19 and 23, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a fire stopping material disposed in the insert (see column 2 lines 50-52, and column 8 lines 53-67 and column 9 lines 1-6 of Whitehead).

With respect to claims 12, 15 and 19, the floor opening formed in the floor and with the poke-through wiring fitting supported in the floor opening, is substantially the same as the fire rating of the floor without the floor opening formed in the floor (see fig 2 of whitehead) .

### **Response to Arguments**

7. Applicant's arguments with respect to claims 1-28 have been fully considered but they are not persuasive. **The applicant argues the following:**

A) Applicant's arguments about simplex power receptacle with a separate housing is clearly disclosed in the original disclosure.

with respect to argument A, The examiner suggests showing a reference number on fig.

9.

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B) Applicant's arguments that the applicants are surprised at the new objection and rejection only now being set forth and the principles of compact prosecution. As to the lack of compact prosecution,

with respect to argument B, the examiner apologizes for not earlier recognizing the lack of written description. However, all issues are now clear, and final, such that:

prosecution is closed, and thereby prosecution is compacted as desired. It is noted that part of the prosecution was because the examiner reopened prosecution in response to arguments by applicants, which was thought to redound to applicants benefits.

C) Applicant's arguments that that there is no motivation to combine Whitehead with Dola and Norsworthy, please note that the current office action does not use the Norsworthy reference and please note that Whitehead disclosed that the novel design of the present invention allows the device to be readily modified to meet the various requirements (see column 7 lines 62-63) as well as device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2).

D) Applicant's arguments that the office action merely picks and chooses isolated elements from disparate references, please note that the current office action does not use the Norsworthy reference and please note that Whitehead disclosed that the novel design of the present invention allows the device to be readily modified to meet the various requirements (see column 7 lines 62-63) as well as device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2).

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E) Applicant's arguments that traverses the objection to the drawings, the rejection under 35 USC 112, first paragraph, the objection to the specification.

With respect to arguments E, the examiner respectively traverse the objection to the drawings and the specification because claimed subject matter should be shown on the drawings, see item 2 of this office action as well as should be disclosed in the specification , see item 5 of this office action, and 35 USC 112, first paragraph being withdrawn.

F) It is noted that with respect to Simplex Power receptacle, the Applicant does not describe any criticality of said simplex power receptacle.


#### **Contact information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DHIRU R. PATEL whose telephone number is 571-272-1983. The examiner can normally be reached on M-TH, 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-1982. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DHIRU R PATEL  
Primary Examiner  
Art Unit 2831

9/19/05

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